IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
Writ Petition No. 6361/2006
Rajendra s/o Duryodhan Mundhe vs. State of Maharashtra and others.

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

CORAM : A.P. Lavande & R.V.More,JJ
DATE : 16.8.2007

Heard Mr. Parchure, learned counsel for the petitioner, Shri A.M. Deshpande, learned A.G.P. for respondents 1 and 2 and Shri Shiralkar, learned counsel for respondents 5 and 6. None for respondents 3 and 4.

2. By this petition, the petitioner challenges the order dated 6.12.2006 passed by respondent no.2 whereby cancellation of approval of the petitioner has been confirmed.

3. The post of head master became vacant at Rashtra Sant Tukdoji Mahavidyalaya, Wardha. As per the roster the said post was required to be filled in by the candidate belonging to Scheduled Tribe category. Initially, the management promoted respondent no.6 who resigned from the post expressing his unwillingness to continue as head master. Thereafter, the management appointed the petitioner without taking consent of respondent no.5 who was admittedly senior to the petitioner. Initially, approval

was granted by the respondent no.2 which was lateron withdrawn by respondent no.2 upon representation being made by respondent no.5. The order of withdrawal of approval was challenged by the petitioner on the ground that he was not heard in the matter. This court allowed the writ petition and remitted the matter back to the respondent no.2 to pass appropriate order after hearing the petitioner and the management.

4. After hearing the parties, the Education Officer maintained the earlier order of revocation of the approval of the petitioner for the post of head master on the ground that consent of the respondent no.5 was not taken before the petitioner was appointed as Head Master. The record discloses that the respondent no.5 is senior to the petitioner and is also eligible to be appointed as head master. This being the position, in our opinion, the challenge of the petitioner to the impugned order passed by the respondent no.2 has no merit. Accordingly, the petition is dismissed with no order as to costs.

Judge **Judge**

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